

1 **Remarks**

2 Amendments to Claims begin on page 10.

3 Amendments to Description being on page 17.

4 Exhibit A: replacement sheets containing Figs 8, 11, 12 and 21, along with all figures,  
5 pursuant to 37 CFR 1.121(d)

6 Exhibit B: true and correct copies of Hutzl 728 figures; sizes having been reduced  
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8 **Response Summary**

9 **Part A: Drawings**

10 Responding to Office Action dated 6/6/2005 (6/6 OA), paragraph #3, a replacement  
11 Figure 8 is attached herein in Exhibit A.

12 Responding to 6/6 OA, paragraph #4, replacement drawings for Figs. 11 and 12 are  
13 attached herein in Exhibit A.

14 Responding to 6/6 OA, paragraph #5, replacement drawing for Fig. 21 is attached  
15 herein in Exhibit A. The supporting Description/Specification in paragraph [0094] has been  
16 concurrently amended by re-numbering some of the elements; referencing the  
17 Description/Specification portion, wherein element 775 in paragraph [0094] has been re-  
18 numbered as 785; element 777 in paragraph [0094] has been re-numbered as 787. Laptop PC  
19 does not need a number; the 776 element is thus removed in the replacement Fig. 21.  
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21 **Part B: Claim Objections**

22 Responding to 6/6 OA, paragraph #6, Claim 20 is amended to remove the lack of  
23 "antecedent basis" problem related to the "wide-angle view lenses" and "the LED flash". Please  
24 reference the Claim Amendment portion.

25 Responding to 6/6 OA, paragraph #7, Claim 22 is amended to remove the lack of  
26 "antecedent basis" problem. Please reference the Claim Amended portion.

27 Responding to 6/6 OA, paragraph #8, Claim 25 has been amended into proper form.  
28 Please reference the Claim Amendment portion.

1 Responding to 6/6 OA, paragraph #9, Claim 26 has been amended to end with a period.  
2 Please reference the Claim Amendment portion.

3 Responding to 6/6 OA, paragraph #9 and #10, Claim 23 is **withdrawn** and a new  
4 claim #28 is presented to claim the method of using present MSC invention device. Please  
5 reference the Claim Amendment portion.

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8 **Part C: Claim Rejections - 35 USC § 103**

9 **I. Traversing “obviousness” rejection by combination of two or more prior arts.**

10 Applicant respectfully traverse the 35 USC 103(a) “obviousness” rejections, as stated  
11 and grouped in Examiner’s paragraphs 11-16, 17 - 24, 25 - 26 and 27-29, based on the  
12 summary legal analysis below.

13 Combination groupings:

14 a. Examiner’s 103(a) rejection in paragraphs 11-16, citing

15 Hutzel, 2003/0117728 (“Hutzel 728”),

16 Chan et al., 5,899,956 (“Chan 956”).

17 b. Examiner’s 103(a) rejection in paragraph 17-24, citing

18 Hutzel 728,

19 Chan 956, and

20 Turnbull et al., 6,750,823 (“Turnbull 823”)

21 c. Examiner’s 103(a) rejection in paragraph 25-26, citing

22 Hutzel 728,

23 Chan 956,

24 McCarthy et al., 6,678,614 (“McCarthy 614”)

25 d. Examiner’s 103(a) rejection in paragraph 27-29, citing

26 Hutzel 728,

27 Chan 956,

28 Scharton, 5,262,813 (“Scharton 813”)

1  
2       Legal Analysis:

3       Combining the teachings of two or more prior art references as “obviousness” rejection  
4 under 35 USC 103(a) is only proper on if there is some objective teaching in the prior art that  
5 would lead one of ordinary skill in the art to combine the relevant teachings of the references.  
6 *In Re Fine*, 5 USPQ.2d 1596, 1598 (Fed. Cir. 1988); also *In Re Rhinehart*, 189 U.S.P.Q. 143,  
7 147 (CCPA 1976).

8       For prior art references to be combined to render obvious, there must be something in  
9 the prior art as a whole that suggests the desirability, and thus the obviousness, of making the  
10 combination. *Uniroyal v. Rudkin-Wiley*, 5 USPQ.2d 1434, 1438 (Fed. Cir. 1988)

11       The teachings of the references can be combined only if there is some suggestion or  
12 incentive in the prior art to do so. *In Re Fine*, *Id.* At 1599. Hindsight is strictly forbidden.

13       The examiner must specifically explain where motivation to combine reference comes  
14 from. This requires more than an allegation that the level of skill in the art is high. *In Re*  
15 *Rouffet*, 149 F.3d 1350, 47 USPQ.2d 1453 (Fed. Cir. 1998).

16       An argument that a number of references in the prior art demonstrates a trend from  
17 which obviousness can be inferred is not appropriate unless motivation can be found  
18 somewhere to combine the references. *Monarch Knitting Mach. V. Sulzer Morat Gmbh*, 45  
19 USPQ.2d 1977 (Fed. Cir. 1998).

20       The mere fact that a prior art structure could be modified to produce the claimed  
21 invention would not have made the modification obvious unless the prior art suggested the  
22 desirability of the modification. *In Re Fritch*, 23 USPQ.2d 1780, 1783 (Fed. Cir. 1992)

23  
24       **II. Gist of present Jeng 10/603,460 Application (“Jeng 460 Application”)**

25       Essentials of Jeng 460 Application

26       Jeng 460 Application disclosed and claimed a Mobile Safety Communication (MSC)  
27 device, having the following essential components (not all of them, which are detailed in the  
28 Application submitted) mounted into the rearview mirror of a vehicle:

- 1 (1) GPS receiver,
- 2 (2) Wireless communication unit having USB interface,
- 3 (3) Video sensing by CCD/CMOS sensors with JPEG/MPEG compression/recording,
- 4 (4) RISC control module having both DRAM and Flash memory and control,
- 5 (5) Vibration/motion sensing triggering and recording, and
- 6 (6) USB (to video/wireless/RISC control) and Ethernet communication outlets.

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8 a. The use of JPEG/MPEG compression is necessary because, as in the case of some

9 prior arts having memory storage but did not use compression, the onboard memory of the

10 MSC is quite limited. Present invention will only work only if compression is adopted to avoid

11 memory overload, whether in the case of DRAM or Flash.

12

13 c. It can clearly be seen that the combination of all the cited prior art patents and

14 applications do not disclose even this subset of essential elements from Jeng 460 Application.

15 See further analysis below.

16

17 **III. The cited applications/patents do not teach Jeng 460 Application, even combined**

18 Summary of some essential points of Jeng 460 Application not taught

- 19 a. None of the cited prior art teaches or even suggests the use of USB or Ethernet.<sup>1</sup>
- 20 b. None of the cited prior art teaches or even suggests the trigger of
- 21 acceleration/vibration motion sensing and recording.
- 22 c. None of the cited prior art teaches or even suggests the use of JPEG/MPEG video
- 23 compression and storage. (Without the compression, stored video information would
- 24 quickly overload the existing memory capacity.)

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26 ///

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28 <sup>1</sup> Hutzel 728 mentioned USB cable at paragraph [0218]. However, USB is not part of Hutzel 728's invention. [0218] merely talked about the optional use of a retractable cable (#1960) that can be a USB cable.

1       Summary of the teachings, and the lack of teachings, in the cited prior art

2       d. Chan 956

3             Chan 956 teaches a GPS system with video capturing/storage capability.

4             Chan 956 does NOT teach Jeng 460 Application's essential points in II.(3) to  
5             II.(6).

6       e. McCarthy 614

7             McCarthy 614 teaches a vehicle navigation system with wireless  
8             communication capability.

9             McCarthy 614 does NOT teach Jeng 460 Application's essential points in II.(3)  
10            to II.(6).

11      f. Turnbull 823 (teachings include Turnbull 6,470,712 and Turnbull 6,166,698)

12            Turnbull 823 (plus 712 & 698) teaches a microwave antenna in a rearview  
13            mirror that may contain other systems, such as GPS, and other functions.

14            Turnbull 823 (plus 712 & 698) does NOT teach Jeng 460 Application's  
15            essential points in II.(3) to II.(6).

16      g. Hutzel 728

17            Hutzel 728 is actually the mechanical housing design of a rearview mirror that  
18            can be used to house/receive other components (dockable pendent accessory, in  
19            Hutzel 728's lexicon).

20            **Hutzel 728 is an non-analogous art.**

21            All supporting drawings of Hutzel 728 are attached herein as Exhibit B, with  
22            the figures being reduced in size. However, these drawings truly and correctly  
23            reflect Hutzel 728's official papers filed to US PTO.

24            Except for the disclosure about a light module (#1715) and the drive circuit for  
25            the light module, Hutzel 728 is NOT an application about any electronic invention.

26      f. Scharton 813

27            Scharton 813 teaches the use of traditional camera (shutter) when there is  
28            triggering event by motion.

1 Scharton 813 does NOT teach Jeng 460 Application's essential points in II.(1)  
2 to II.(6).  
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4 There is no suggestion of combinations, as asserted by Examiner

5 g. All the cited prior arts do not contain the combinations suggested by Examiner, such  
6 as Hutzel in light of Chan, Hutzel in light of Chan and Turnbull, etc. There is no  
7 explanation from Examiner why these various prior arts can be combined, to render  
8 Jeng 460 Application obvious under 103(a).  
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10 **IV. Examiner's rejection in ¶ 11-16 of OA 6/6/2005 based on "obviousness"**

11 Examiner's ¶ 11-16 "obviousness" rejection is traversed for the following reasons:

12 a. Except for the circuitry about a light module (shown in Figs. 36-40), the  
13 whole Hutzel 728 application is about the mechanical design of a rearview mirror as a  
14 housing for some objects and pendent accessory that may include some electronic  
15 gadgets.

16 b. Hutzel 728 application, is a non-analogous art.

17 c. Combination of Chan 956 (which does not teach the essentials of Jeng 460  
18 Application, as stated in II.(3) -(6)) with a non-analogous art will certainly NOT render  
19 Jeng 460 Application obvious under 103(a).  
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21 **V. Examiner's rejection in ¶ 17-24 of OA 6/6/2005 based on "obviousness"**

22 Examiner's ¶ 17-24 "obviousness" rejection is traversed for the following reasons:

23 a. Hutzel 728 application, is a non-analogous art, as explained hereinabove.

24 b. Combination of Chan 956 and Turnbull 698, Turnbull 712 and Turnbull 823  
25 (all of which do not teach the essentials of Jeng 460 Application, as stated in II.(3) -  
26 II.(6)) with a non-analogous art will certainly NOT render Jeng 460 Application  
27 obvious under 103(a).  
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1 **VI. Examiner's rejection in ¶ 25-26 of OA 6/6/2005 based on "obviousness"**

2 Examiner's ¶ 25-26 "obviousness" rejection is traversed for the following reasons:

3 a. Hutzel 728 application, is a non-analogous art, as explained hereinabove.

4 b. Combination of Chan 956 and McCarthy 614 (all of which do not teach the  
5 essentials of Jeng 460 Application, as stated in II.(3) - II.(6)) with a non-analogous art  
6 will certainly NOT render Jeng 460 Application obvious under 103(a) .  
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8 **VII. Examiner's rejection in ¶ 27-29 of OA 6/6/2005 based on "obviousness"**

9 Examiner's ¶ 27-29 "obviousness" rejection is traversed for the following reasons:

10 a. Hutzel 728 application, is a non-analogous art, as explained hereinabove.

11 b. Combination of Chan 956 (not teaching Jeng 460 Application's essentials in  
12 II.(3) -(6)) and Scharton 813 (not teaching Jeng 460 Application's essentials II.(1) -(6))  
13 with a non-analogous art will certainly NOT render Jeng 460 Application obvious  
14 under 103(a).  
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1           Reconsideration of the pending Office Action is respectfully requested in view of  
2 this remarks and amendments. For the foregoing reasons, it is submitted that the present  
3 application is in condition for allowance, and such action is requested. The Examiner is  
4 encouraged to contact the undersigned if there is any matter that requires further exchange of  
5 opinions on the subject matter.  
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7 Dated: *Aug. 31, 2005*  
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Respectfully,

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10 By: 

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